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Attorney Docket No. GEMS8081.041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Brinsfield et al.
Serial No. : 09/689,374
Filed : October 12, 2000
For : MOBILE CLINICAL INFORMATION SYSTEM
Group Art No. : 3626
Examiner : Porter, Rachel L.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER
MAILED APRIL 10, 2007

Dear Sir:

This Reply Brief is being filed in response to the Examiner's Answer mailed April 10, 2007.

REMARKS

Regarding claim 1, in the Examiner's Answer mailed April 10, 2007, the Examiner "noted that the Maschke has been relied upon to disclose a portable monitor that includes a communication interface input/output to receive and transmit information in a healthcare facility as explained in the rejection of claim 1." See pgs. 25-26. The Examiner also refers to the combination of Maschke and Jacobsen as addressing "the limitations of claim 1" with regard to communication over a WLAN.

However, as Appellant explained in the appeal brief, neither Maschke, Jacobsen, nor the combination thereof, teaches or suggests a communication interface having an input to receive patient data from a communication medium and an output to transmit care parameters as needed to the communication medium. The Examiner has not shown or addressed such in the Examiner's Answer or in any Office Action.

The Examiner further states that "Maschke discloses an input device connected to the processor to allow a change in the care parameters by a health care provider." *Examiner's Answer*, pg. 26. As Appellant explained in the appeal brief, neither Maschke, Jacobsen, nor the combination thereof teaches or suggests teach or suggest that the memory card changes care parameters processed and transmitted by the processor to a wireless LAN via a memory card.

Regarding claim 18, the Examiner repeated the assertion that "Maschke discloses an input device connected to the processor to allow a change in the care parameters by a health care provider." *Examiner's Answer*, pg. 28. As Appellant explained in the appeal brief, neither Maschke, Jacobsen, nor the combination thereof teaches or suggests that the memory card changes care parameters processed and transmitted by the processor.

Regarding claim 8, the Examiner stated that "Maschke discloses that the processor is programmed to *allow* (i.e. facilitate) admit and discharge." *Examiner's Answer*, pg. 29. The Examiner further stated that "[a] card is associated with the patient at admission and is [sic] provides a monitor rapid access to patient history upon admission." *Id.* However, associating a card with a patient at admission does not teach or suggest that the processor in the patient monitor is programmed to perform admission and discharge.

Further, the Examiner stated that "Maschke discloses that the patient monitor system that [sic] tracks information regarding patient admission and discharge (col. 8, lines 38-47)." *Id.* Maschke teaches that a memory card may be associated with a patient between admission and checkout and may provide "rapid access to the patient's history at any time during his or her stay in the hospital." *Maschke et al.*, *USP 6221012*, col. 8, lns. 38-41. While a patient's history may be stored on a card that is available at checkout, there is no teaching or suggestion in Maschke that the processor of the patient portable monitor is programmed to admit and discharge patients.

With regard to the Examiner's reference to the type of data transferred regarding claim 29 (*see Examiner's Answer*, pg. 32), the Examiner substantially repeated what was asserted in the advisory action. Appellant believes that Appellant's remarks made in the appeal brief responding to such assertions fully address Appellant's position. Accordingly, Appellant believes that no further remarks or explanations are necessary.

In light of the foregoing remarks, Appellant respectfully submits that the Examiner has provided no supportable position that claims 1-31 are not patentable. Appellant believes that each claim is directed to statutory subject matter and defines over the art of record.

Respectfully submitted,

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